

## **MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

*72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.*

## **ACTION AGENDA**

CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY OF HUNTINGTON BEACH

MONDAY, NOVEMBER 15, 2004

### **5:00 P.M. - Room B-8**

7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

5:00 P.M. - Room B-8

### **Call City Council/Redevelopment Agency Meeting to Order**

**Roll Call** Sullivan, Coerper, Hardy, Green, Boardman, Cook, Winchell

#### ***Present***

### **Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

### **Public Comments Regarding 6:00 P.M. Portion of Council Meeting - Closed Session Agenda Items**

### **Call Closed Session of City Council/Redevelopment Agency**

**Recommended Action:** Motion to recess to Closed Session on the following items:

#### ***Approved 7-0***

**(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(c) to confer with City Attorney regarding pending litigation based on existing facts & circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: 1 to 200. Subject: **Potential Litigation** (120.80)

**(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(a) to confer with its City Attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is Praise Christian Center v. City of Huntington Beach, et al.; United States District Court Case No. SACV03-1504 GLT. Subject: **Praise Christian Center v. City of Huntington Beach, et al.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Clay Martin, Director of Administrative Services; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & Confer.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

#### **7:00 P.M. - Council Chambers**

#### **Reconvene City Council/Redevelopment Agency Meeting**

**The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

***None – Request that D-5 be continued as a public hearing on 11/29/04.***

***Approved 7 – 0***

***Motion to reopen D-1 public testimony.***

***Approved 6 – 0 – 1 (Sullivan abstain)***

**Roll Call** Sullivan, Coerper, Hardy, Green, Boardman, Cook, Winchell

***Present***

**Pledge of Allegiance/Flag Salute** – To be led by the Mayor

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

**Invocation** - To be determined by Mayor – ***Father Christian Mondor, Sts. Simon and Jude.***

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

**Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

**(1)** The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.) – **D-1, D-5, F-1.**

**Presentation** - Mayor Cathy Green to call on Fire Chief Duane Olson and Junior Girl Scout Troop 208 with Leader Leyla Wagner and Treasurer Leslie Shigemasa to present a check for the purchase of infant car seats for the Huntington Beach Fire Department emergency ambulance units. (160.40)

**Presentation** - Mayor Cathy Green to call on representatives from Cannery Hamilton Properties LLC – Glenn Anderson, Dianne Seefried and Mary Urashima – to present a check for \$10,000 to Fire Chief Duane Olson and Emergency Services Coordinator Glorria Morrison to stock a cargo container of supplies for community emergencies. (160.40)

**Presentation** - Mayor Cathy Green to present commendations of thanks to the Downtown Starbuck's and the Sugar Shack for their generosity during the fire at the Beachcomber. Store Manager Heather Marshall from Starbuck's and Michelle Turner from Sugar Shack will accept the commendations. (160.40)

**Presentation** - Mayor Cathy Green to call on Michael Gerard of Surfing America to make a special announcement about the new headquarters for Surfing America. (160.40)

**PowerPoint report presented. Newsletter titled Surfing America distributed.**

**Presentation** - Mayor Cathy Green to call on Orange County Register Retail Advertising Account Executive Allan Pabian to present the City with the "Best of Awards" in the categories chosen by Register readers. (160.40)

**City as the "Best Place to Walk, Jog and Hike," for "Best Parade," and "Best Place to Live" awards given.**

**Presentation** - Mayor Cathy Green to recognize volunteers from Huntington Beach Hospital and CERT for their outstanding job providing flu vaccine at a clinic held on November 6, 2004. (160.40)

**Presentation** - Mayor Cathy Green to award city employees who have provided exceptional service to the mayor during her year in office. (160.40)

***Awarded to City Council Administrative Assistant Cathy Fikes, Senior Administrative Analyst Pat Dapkus, and Community Relations Officer Laurie Payne.***

***Mayor Green made the following two announcements:***

***Ceremony – Firefighters from New York City will present a statue made of steel from the World Trade Center to our firefighters at 4:00 p.m. on Saturday, November 20, 2004 at the Pier.***

***Lighting of the Pier, “Light a Light of Love” will be on Sunday, November 21, 2004 at 6:00 p.m.***

**B. PUBLIC COMMENTS**

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council. Councilmembers strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

3 minutes per person, time may not be donated to others. No action can be taken by Council/Agency on this date unless agendized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium.

***Speaker welcomed newly appointed Council member Grace Winchell; congratulated Councilmember Debbie Cook on her re-election and thanked Councilmember Connie Boardman for her term of office. Speaker spoke in favor of fireworks at the beach and a recommended shuttle service concept for the City as a means of relieving traffic congestion and as a boom to tourism.***

***Speaker, President of Downtown Huntington Beach Business Association, spoke regarding Agenda Item E-5 as a downtown merchant and promoted the program. Also spoke on F-1.***

***Speaker, member of Restaurant Association, spoke on promotional free parking program. Also spoke in support of fireworks at the beach and commended the Fire Department for a job well done.***

***Speaker, President of Huntington Beach Conference and Visitors Bureau (CVB) spoke in support of fireworks on the beach as a tradition of the City. Speaker requested Council to postpone decision until a subcommittee could be formed to study the issue and look at problems to remedy them.***

***Speaker requested that Council deny the Beautification, Landscape and Trees (BLT) Committee's recommendation proposed in agenda item C1-a.***

***Speaker addressed notification mailings from 300 to 500 feet and requested council to keep at 300 feet.***

***Speaker spoke regarding volunteerism and a campaign letter of the Mayor. Also spoke relative to parking and street sweeping fines.***

***Speaker spoke regarding City's incurred indebtedness relative to Agenda Item D-3 on the Redevelopment Agency and the Strand.***

***Speaker spoke regarding Agenda Item E-6 and thanked the Redevelopment Agency for its support.***

***Speaker brought a binder he alleged contained documents that are fraudulent involving the Planning Department and a local developer.***

***Speaker spoke in favor of fireworks at the beach, commended Fire, Police, and Public Works for their efforts at this year's event, and asked Council to consider alternatives to solve parking problems.***

***Councilmember Sullivan clarified a previous speaker's comments relative to a political mailer and City letterhead.***

***Councilmember Coerper announced an opening on the 4<sup>th</sup> of July Board and asked interested citizens to contact Council Administrative Assistant Cathy Fikes at 536-5553.***

### **C-1. Council Committee/Council Liaison Reports**

#### **C-1a. (City Council) Direct the City Administrator to Allow Removal and Replacement of Parkway Trees, Including Necessary Sidewalk Repairs, without Curb and Gutter Repair, by a Licensed, Permitted Contractor, (All at the Property Owner's Expense) Pursuant to the Beautification, Landscape and Tree (BLT) Committee Recommendation (100.10)**

Communication from Councilmember Gil Coerper on behalf of the Beautification, Landscape and Tree (BLT) Committee members, Mayor Pro Tem Jill Hardy and Councilmember Dave Sullivan transmitting the following **Statement of Issue**: The current City Tree Removal and Replacement Policy, approved by the City Council on March 15, 2004, allows property owners to remove street trees that are causing damage when the property owner also repairs and replaces any damaged adjacent sidewalk, curb, and gutter and replaces the tree with a city-approved species. This policy is intended to allow property owners waiting to have the repairs completed by the city, the opportunity to accelerate the schedule by funding the improvements themselves. To ease the financial burden on property owners wishing to accelerate the schedule for repairs, the Beautification, Landscape and Tree (BLT) Committee is recommending that the concrete repairs be limited only to the sidewalk.

#### **Analysis:**

The current Tree Removal and Replacement Policy allows property owners to remove and replace street trees that are causing damage to adjacent curb, gutter, and sidewalk without having to go through the Street Tree Petition process and not having to wait for city-funded repairs. Since March 15, 2004, the effective date of the policy change, numerous property owners have reviewed this opportunity with private, licensed, and insured contractors. Due to the high expense of the curb and gutter concrete work, many property owners have decided not to pursue the tree removal and replacement. Individual residents have requested that the city modify the removal and replacement policy to allow damaged sidewalk and tree removal replacement only, leaving the curb and gutter for city-funded repairs when resources become available.

Currently, over 100 street segments are awaiting work on the Street Tree Petition process. The estimated cost of these repairs exceeds \$14 million. The March 15, 2004, policy revision was an attempt to allow greater flexibility to the property owners to address problem trees and concrete in front of their residences. The BLT Committee considers the enhancement of pedestrian travel as a high priority in recommending a modification to the existing policy.

Included here is the July 27, 2004 and the August 24, 2004 BLT staff reports, outlining the discussions that have taken place in regard to this issue.

**Beautification, Landscape and Tree (BLT) Committee Action:**

The BLT reviewed and approved the change to the policy at the September 28, 2004 meeting, by a vote of 2-1-0.

**Recommended Action:** Motion to:

Direct the City Administrator to allow removal and replacement of parkway trees, including necessary sidewalk repairs, without the repair of curb and gutter, all at the expense of the property owner, by a licensed contractor, after a city permit has been issued. All other conditions of the current Tree Removal and Replacement Policy will remain in effect.

***Councilmember Cook inquired what the criteria would be for determining tree removal, to which Public Works Director Robert F. Beardsley responded. Director Beardsley also reported on costs of curb and gutter repair.***

***Deputy Public Works Director Paul Emery also reported.***

***Mayor Pro Tem/BLT Committee member Hardy gave reasons for her opposition to this item and for keeping policy the same.***

***Council/BLT Committee member Sullivan stated reasons for his support of this item.***

***Motion to amend recommended action that Public Works encourage curb and gutter repair if needed, at homeowner's expense and notify/clarify to homeowner who is responsible if the curb or gutter is damaged in the process of tree removal in the event the contractor pulling the permit looks to owner for compensation. (The maker and the second agreed).***

***Approved 6 – 1 (Boardman - No)***

**C-2. City Administrator's Reports**

**C-2a. (Redevelopment Agency) PowerPoint Presentation by the City Administrator Penelope Culbreth-Graft Re: Discussion of Redevelopment Agency Tax Increment/Other Revenues, Assets and Debt (160.10)**

City Administrator Penelope Culbreth-Graft will present a PowerPoint report titled *Redevelopment Agency of the City of Huntington Beach – Discussion of Tax Increment/Other Revenues, Assets & Debt.*

***City Administrator Culbreth-Graft presented orally. Economic Development Director David Biggs presented PowerPoint report.***

**C-5a. (City Council) City Clerk to Present an Oral Report Regarding the Internet Online Agenda Packet (160.10)**

City Clerk Joan L. Flynn will present an oral report regarding the Internet Online Agenda Packet ***City Clerk Flynn orally reported. Deputy City Clerk Patricia Albers walked everyone through the City's internet website.***

**D. PUBLIC HEARINGS**

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

***D-1 is a public hearing opened and continued at the 10/4/04 meeting. The public testimony section of this hearing has been closed. A notice was posted by the City Clerk's Office pursuant to the Brown Act, notifying the public that the item is being continued to this meeting (the number remains as D-1).***

**D-1. (City Council) Public Hearing Opened (and Closed for Public Testimony) and Item Continued from October 4, 2004 to Consider Approval of Zoning Text Amendment (ZTA) No. 03-01 (Through Lot Development Standards) Amending Chapters 203, 210 and 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Relating to Definitions, Accessory Structures and Fencing and Yards - Approve Introduction of Ordinance No. 3685A, B, or C (450.20)**

**Applicant:** City of Huntington Beach

**Request:** To amend Chapters 203, (210 introduced in an alternative Ordinance – see agenda packet) and 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to regulate the placement of fencing, landscaping, and accessory structures within the rear and street side yards of through-lots. A through lot is defined as having frontages on two parallel streets. The proposed amendments are generally intended to prohibit fences and structures of any height on slopes and rear portions of through lots, require the sloped portion of a through lot to be fully landscaped and require fencing on a through lot to be located at top of grade, including fencing within an exterior side yard.

**Location:** Citywide

**Environmental Status:** Notice is hereby given that this Agenda Item is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on (Thursday before meeting) September 30, 2004.

ALL INTERESTED PERSONS are invited to attend said meeting and express opinions or submit evidence for or against the application as outlined above. If there are any further questions please call the Planning Department at 536-5271 and refer to the above item. Direct your written communications to the City Clerk

1. Continue with staff report
2. Continue City Council discussion (public testimony portion of hearing closed 10/4/04)
3. Close public hearing item

Six communications submitted in opposition to the proposed ZTA 03-01 are included in the agenda packet.

**Alternative Actions:** The City Council may make the following alternative motions:

1. ~~Approve Zoning Text Amendment No. 03-01 with Findings for Approval and after the City Clerk reads by title, approve by roll call vote, introduction of **Ordinance No. 3685A** — “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Sections 203.06 and 230.88 thereof Relating to Definitions and Fencing and Yards” (Attachment No. 2) including the design criteria identified on Alternative A, B, C or D;~~

**OR**

2. ~~Approve Zoning Text Amendment No. 03-01 with Findings for Approval and after the City Clerk reads by title, approve by roll call vote, introduction of **Ordinance No. 3685B** — “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Sections 203.06 and 230.88 thereof Relating to Definitions and Fencing and Yards” (Attachment No. 3) (**Planning Commission/Staff Recommendation**);~~

**OR**

3. ~~Approve Zoning Text Amendment No. 03-01 with Findings for Approval and after the City Clerk reads by title, approve by roll call vote, introduction of **Ordinance No. 3685C** — “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Sections 203.06, 210.06, 230.08 and 230.88 thereof Relating to Definitions, Accessory Structures and Fencing and Yards” (Attachment No. 4) (**Original City Council Direction with Five Modifications**);~~

**OR**

4. ~~Deny Zoning Text Amendment No. 03-01.~~

*Motion made earlier in the evening to reopen public testimony portion of the hearing. Approved 6 – 0 – 1 (Sullivan - abstain)*

*Councilmember Sullivan recused himself from participation due to a possible conflict of interest.*

*Planning Director Howard Zelefsky orally reported and introduced Planner, Paul DaVeiga who presented the PowerPoint report.*

*Discussion was held regarding the Conditional Use Permit and the mailing notification process and differences in slope heights/setbacks.*

*Prior to announcing public hearing speakers, City Clerk Flynn restated the Late Communications announced earlier.*

*Council inquired regarding allowance for decks on setbacks.*

*Motion made to retain current policy and adopt Alternative No. 2 (Planning Commission/Staff Recommendation).*

*Councilmember Cook gave reasons for opposition to the motion.*

*Failed 2 – 4 – 1 (Hardy, Boardman, Cook, Winchell – No, Sullivan - abstain).*

***An amended motion was made that:***

***A combination wall and view fence with a total maximum height of eight feet, measured from the adjacent grade, to be located at a minimum ten foot setback, measured from the secondary frontage property line. Also, no CUP process, no retaining wall at the foot of slope, give definition of primary and secondary frontage per October 4, 2004 Council action, and if pursued, variance notification would include all residents on the street which faces the wall.***

***Approved 4 – 2 – 1 (Green, Cook - No, Sullivan - abstain)***

***Motion to continue with meeting to complete entire agenda.***

***Approved 6 – 1 (Green - No)***

**D-2. (City Council) Public Hearing Opened and Continued Open from September 20, 2004 to Consider Two Resolutions Adopted at the August 16, 2004 Council Meeting: (1) Resolution of Intention 2004-68 Forming and Setting Boundaries of the District, Holding Election and Declaring Results to Establish Community Facilities District (CFD) No. 2004-1 (The Strand) - Blocks 104/105 - and (2) Resolution No. 2004-69 Declaring Necessity to Incur Bonded Indebtedness Per Disposition and Development Agreement (DDA) between the City and CIM/Huntington, LLC - Adopt Resolution Nos. 2004-76, 2004-77 and 2004-78 (350.30)**

Public hearing on Resolution of Intention No. 2004-68 and with respect to the establishment of said community facilities district, which provides in summary as follows:

1. The name proposed for the community facilities district is "City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California."
2. The boundaries of the proposed community facilities district are described and shown on the map entitled "Boundaries of City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California," which is on file with the City Clerk.
3. The types of public facilities proposed to be provided for and financed by the proposed community facilities district are:
  - a. Street improvements including costs of condemnation, removal, demolition, grading, paving, curbs and gutters, sidewalks, street lights and parkway and landscaping related thereto.
  - b. Storm drains.
  - c. Sewers, sewer treatment facilities and sewer capacity acquisition.
  - d. Public parking facilities including a parking structure.
  - e. Water distribution facilities, including fire hydrants and water storage facilities.
  - f. Street signalization and signage, including traffic fees.
  - g. Fire facilities including structures and capital equipment.
  - h. Utility facilities construction and relocation.
  - i. Acquisition of land, rights-of-way and easements necessary for any of the facilities specified in paragraphs (a) through (h) above.
  - j. The incidental expenses which will be incurred are: (i) the cost of engineering, planning and designing such facilities and the cost of environmental evaluations thereof, (ii) all costs associated with the creation of the proposed community facilities district, issuance of the bonds thereof, the determination of the amount of and collection of taxes, the payment of taxes, and costs otherwise incurred in order to carry out the authorized purposes of the community facilities district, and (iii) any other expenses incidental to the construction, acquisition, completion, and inspection of such facilities.
4. Special taxes sufficient to pay for all such facilities, to pay the principal of and interest on the bonds of the proposed community facilities district and the annual administrative expenses of the City and the proposed community facilities district in determining, apportioning, levying and collecting such special taxes, and in paying the principal of and interest on such bonds, and the costs of registering, exchanging and transferring such bonds, secured by the recordation of a continuing lien against all taxable or nonexempt property in the proposed community facilities district, and maintaining a reserve fund for such bonds, and paying any amounts that must be paid to the United States in order to preserve the tax-exempt status of such bonds shall be annually levied within the proposed community facilities district. The rates and method of apportionment of said special taxes shall be as set forth in Exhibit "B" to Resolution No. 2004-68. The maximum

amounts of special taxes which may be annually levied on parcels within the proposed community facilities district which are used for private residential purposes are as follows:

### **MAXIMUM SPECIAL TAX**

The maximum special tax for the leasehold interests in taxable property in CFD No. 2004-1 shall be the greater of (1) \$590,000 per acre if a tract or parcel map for airspace condominium has not been recorded or (2) the amount determined pursuant to the following steps:

Step 1: Determine the maximum annual debt service on all Outstanding Bonds;

Step 2: Multiply the total debt service determined in Step 1 by 1.1 and add the Administrative Expenses;

Step 3: Multiply the amount from Step 2 by 0.6 and divide by the square footage of the Hotel Airspace Assessor's Parcel to determine the Maximum Special Tax per square foot for the Hotel Airspace Assessor's Parcel;

Step 4: Multiply the amount from Step 2 by 0.4 and divide by the square footage of the Retail Airspace Assessor's Parcel to determine the Maximum Special Tax per square foot for the Retail Airspace Assessor's Parcel.

### **METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with fiscal year 2006-2007, and for each fiscal year thereafter, the city council shall levy the special tax proportionately on each assessor's parcel of taxable property at up to 100% of the maximum special tax, as determined by the paragraph, above, as needed to satisfy the special tax requirement.

The officers of the City who will be responsible for providing the proposed types of public facilities to be provided within and financed by the proposed community facilities district, if it is established, shall study the proposed district, and, at or before the time of said hearing, file a report or reports with the City Council containing a brief description of the public facilities by type which will in their opinion be required to adequately meet the needs of the proposed community facilities district and their estimate of the fair and reasonable cost of providing those public facilities and the incidental expenses to be incurred in connection therewith. Such reports shall be made a part of the record of the hearing.

Other property within the boundaries of the City may be annexed into the proposed community facilities district upon the condition that parcels within that territory may be annexed only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed.

The consolidated special elections on (i) the proposition of the proposed community facilities district incurring a bonded indebtedness in an amount not to exceed \$15,000,000 (ii) the proposition with respect to the levy of special taxes on the land within the community facilities district to pay the principal of and interest on the bonds thereof, and (iii) the proposition with respect to the establishment of an appropriations limit for the community facilities district in the amount of \$4,000,000, if the community facilities district is established and such consolidated special elections (the "consolidated special elections") are held, shall be conducted as a mail ballot election.

If at least 12 persons have been registered to vote within the territory of the proposed community facilities district for each of the 90 days preceding the close of the public or protest hearing, the vote in the consolidated special elections shall be by the registered voters of the community facilities district with each voter having one vote. In that event, the consolidated special elections shall be conducted by the Registrar of Voters of the County of Orange and shall be held on a date selected by the City Council and the ballots for the consolidated special elections shall be distributed to the qualified electors of the community facilities district by mail with return postage prepaid, and the consolidated special elections shall be conducted as a mail ballot election.

If at the time of the close of the protest hearing less than 12 persons have been registered to vote within the territory of the community facilities district, the vote shall be by the landowners of the community facilities district, with each landowner of record at the close of the protest hearing having one vote for each acre or portion of an acre of land that he or she owns within the community facilities district. In that event, the consolidated special elections shall be conducted by the City Clerk.

The ballots for the consolidated special elections shall be distributed to the qualified electors by the City Clerk by mail with return postage prepaid, or by personal service. The City Clerk shall mail to each qualified elector an official ballot, and shall also mail to all such qualified electors other required election documents, including a return identification envelope with prepaid postage thereon addressed to the City Clerk for the return of voted official ballots.

Resolution No. 2004-68 contains other provisions which are not summarized above. A copy of Resolution No. 2004-68 may be reviewed or obtained at the office of the City Clerk of the City of Huntington Beach, 2000 Main Street, Huntington Beach, California.

Notice is further given that at the hearing the testimony of all interested persons or taxpayers for or against the establishment of the community facilities district, the extent of the district, or the furnishing of specified types of public facilities or services will be heard. If 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the proposed community facilities district or the owners of one-half or more of the area of the land in said territory and not exempt from the levy of special taxes, file written protests against the establishment of the proposed community facilities district, and protests are not withdrawn so as to reduce the value of the protest to less than a majority, no further proceedings to create the community facilities district or to levy the specified special taxes shall be taken for a period of one year from the date of the decision of the City Council. If majority protests of the registered voters or of the landowners are only against the furnishing of a specified type or types of public facilities or services within the community facilities district, or against levying a specified special tax, those types of facilities or services or the specified special tax will be eliminated from the resolution of formation establishing the community facilities district.

**The public hearing is also to consider Resolution No. 2004-69, adopted by the City Council on August 16, 2004:**

Said resolution determines that it is necessary for proposed City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California, to incur a bonded indebtedness in the aggregate principal amount of \$15,000,000.

Resolution No. 2004-69 provides in summary as follows:

1. The City Council declares that it is necessary that bonded indebtedness be incurred by and for proposed City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California, in an aggregate principal amount not to exceed \$15,000,000 for the purpose of financing the design, acquisition, construction, equipping and furnishing of the public facilities described in Resolution No. 2004-68.
2. The amount of the proposed bonded indebtedness shall include all costs and estimated costs incidental to, or connected with, the accomplishment of the purposes for which the proposed bonded indebtedness is to be incurred, including, but not limited to, the estimated costs of construction and acquisition of the public facilities which are proposed to be provided within and for the proposed community facilities district.
3. All non-exempt parcels of taxable property within the proposed community facilities district shall be subject to the levy of special taxes to pay the principal of and interest on the aggregate principal amount of the bonds of the community facilities district which may be issued and sold to finance public facilities which are of benefit to parcels of property within the community facilities district.
4. A public hearing on the proposed bonded indebtedness for said proposed community facilities district shall be held at 7:00 p.m. on September 20, 2004, in the City Council Chambers located at 2000 Main Street, Huntington Beach, California. Said hearing shall be conducted concurrently with the hearing on the establishment of the proposed community facilities district.

Notice is further given that at the time and place of said hearing all interested persons, including all persons owning property in the proposed community facilities district, for or against the proposed bonded indebtedness, will be heard.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

**Recommended Action:** Motion to:

1. Continue open, conduct and close public hearing;  
***City Clerk Flynn and Kim Byrens from Best Best and Krieger reported and responded to Mayor Green's inquiries.***

**and**

2. Adopt **Resolution No. 2004-76** – *“A Resolution of the City Council of the City of Huntington Beach Establishing City of Huntington Beach Community Facilities District No. 2004-1 (The Strand) and Establishing the Boundaries thereof;”*

**and**

3. Adopt **Resolution No. 2004-77** – *“A Resolution of the City Council of the City of Huntington Beach Calling a Special Election and Submitting to the Voters of City of Huntington Beach Community Facilities District No. 2004-1 (The Strand) Propositions Regarding Incurrence of Bonded Indebtedness, the Annual Levy of Special Taxes within the Community Facilities District to Pay Principal of and Interest on Bonds thereof, and the Establishment of an Appropriations Limit.”*  
**Adopted #2 and #3 above 7 – 0**

**Exhibit "A" of Resolution No. 2004-77 – Official Ballot  
Consolidated Special Elections for City of Huntington Beach  
Community Facilities District No. 2004-1 (The Strand)  
County of Orange, State of California**

<p><b>PROPOSITION A:</b> Shall a bonded indebtedness in an original aggregate principal amount not to exceed \$15,000,000 be incurred by and for City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California (the "Community Facilities District"), for a maximum term of not more than 35 years and with interest at a rate or rates not to exceed the maximum interest rate permitted by law, for the purposes of providing; (1) The types of public facilities listed in the Resolution of Formation of the District adopted November 15, 2004, and (2) The incidental expenses which will be incurred are all costs associated with the creation of the Community Facilities District, issuance of the bonds thereof, the determination of the amount of and collection of taxes, and the payment of taxes, and costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[Proposition A]</p>
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<p><b>PROPOSITION B:</b> Shall special taxes be levied annually on taxable property within City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California (the "Community Facilities District"), to pay the principal of and interest on the bonds of the Community Facilities District issued and sold to finance and refinance those purposes specified in Proposition A of this ballot, to establish and replenish the reserve fund for the bonds, or to accumulate funds for future bond payments, including any amount required by federal law to be rebated to the United States with regard to the bonds, and to pay expenses incidental thereto and to the levy and collection of the special taxes, so long as the special taxes are needed to pay the principal of and interest on the bonds and for such other purposes, together with the payment of, and the provisions of repair and replacement reserves for, maintenance of any of the publicly owned facilities financed with the proceeds of such bonds, at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit "A" to the Resolution of Formation adopted by the City Council of the City of Huntington Beach on November 15, 2004?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[Proposition B]</p>
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<p><b>PROPOSITION C:</b> Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California, in the amount of \$4,000,000?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[Proposition C]</p>
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PROPOSITIONS A AND B ARE SUBJECT TO THE ACCOUNTABILITY MEASURES PRESCRIBED IN SECTION 53410 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

and

- 4. Hold election;  
**Yes on A, B, C as read by the City Clerk from ballot received.**

and

- 5. Adopt **Resolution No. 2004-78** – *"A Resolution of the City Council of the City of Huntington Beach Declaring the Results of the Consolidated Special Elections for City of Huntington Beach Community Facilities District No. 2004-1 (The Strand) County of Orange, State of California, on the Propositions with Respect to (i) Incurring Bonded Indebtedness in an Original Amount not to Exceed \$15,000,000, (ii) the Annual Levy of Special Taxes to Pay Principal and Interest on Bonds, and (iii) the Establishment of an Appropriations Limit and Authorizing the Recordation of the Notice of Special Tax Lien."*

**Adopted 7 – 0**

**D-3. (Redevelopment Agency) Public Hearing to Consider Approval of the Five Year Implementation Plan (2005-2009) and the Ten Year Housing Compliance Plan (2005-2014) for the Huntington Beach Redevelopment Project (Merged Project Area) Having Five Subareas: Main-Pier, Yorktown-Lake, Oakview, Huntington Center and Talbert-Beach (410.05)**

Communication from the Deputy Executive Director.

Public hearing for the purpose of considering approval of the Five Year Implementation Plan (2005--2009) and the Ten Year Housing Compliance Plan (2005--2014) for the Huntington Beach Redevelopment Project (Merged Project Area) having five sub-areas: Main-Pier, Yorktown-Lake, Oakview, Huntington Center, and Talbert-Beach. California Community Redevelopment Law §33490.

The purpose of the Implementation Plan is to identify the specific goals and objectives for the Huntington Beach Project, describe the specific programs, including potential projects and estimated expenditures that would be made during the five years, and explain how these activities will eliminate blight, and within the Housing Compliance Plan how to improve and increase the supply of affordable housing for the very low, low, and moderate income households.

A copy of the Implementation Plan and the Housing Compliance Plan may be reviewed on line at [www.hbbiz.com](http://www.hbbiz.com) or at the following locations: Reference Desk, Central Library, 7111 Talbert Street, or at City Hall, 2000 Main Street, in the City Clerk's Office (2<sup>nd</sup> Floor) and in the Department of Economic Development (5<sup>th</sup> Floor).

A notice of this hearing is to be published according to Government Code §6063 and must be posted in at least four permanent places within the project area for a period of three weeks as required by the California Community Redevelopment Law §33490(d).

All interested persons are invited to attend the hearing and express their opinions on the projects identified in the Five Year Implementation Plan or Housing Compliance Plan. Direct your written comments to the Agency Clerk prior to the date and time set for the hearing. For further information, call the Department of Economic Development at (714) 536-5224.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

A PowerPoint presentation submitted by the Deputy Executive Director titled *The Five-Year Implementation Plan (2005-2009) & Ten-Year Housing Compliance Plan – Huntington Beach Project (Merged Project)* is included in the agenda packet

**Recommended Action:** Motion to:

Approve the Five-Year Implementation Plan (2005-09) and the Ten-Year Housing Compliance Plan (2005-14) for the Huntington Beach Project (Merged Project Area).

***Deputy Executive Director David Biggs reported on PowerPoint presentation.***

***Approved 7 – 0***

**D-4. (City Council) Public Hearing to Consider Adoption of Resolution No. 2004-89 to Establish a Fats, Oils and Grease (FOG) Control Fee as an Additional Charge on Food Service Establishments that Generate FOG (340.20)**

Communication from the Public Works Director.

Public Hearing for the purpose of considering imposing a Fats, Oil and Grease (FOG) Control fee as an additional charge on food service establishments. This added charge is necessary to recover costs to implement a Fats, Oils, and Grease (FOG) Control Program as mandated by the State.

A Fee Study detailing the reasons and methodology for the FOG fee is available for public review at City Hall, 2000 Main Street in the City Clerk's office between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

All citizens are invited to attend the public hearing and provide the City Council with written and oral comments and ask questions concerning the above proposals. Written communications to the City Council may also be mailed to the City Clerk.

The City of Huntington Beach endeavors to accommodate persons of handicapped status in the admission or access to, or treatment or employment in, City programs or activities. The City of Huntington Beach is an equal opportunity employer.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

A PowerPoint presentation submitted by the Public Works Director titled *FOG Control Program Fee Fats, Oils and Grease Control Program Fee for Food Service Establishment* is included in the agenda packet.

**Recommended Action:** Motion to:

1. Conduct a Public Hearing;

**and**

2. Adopt **Resolution No. 2004-89** – “A Resolution of the City Council of the City of Huntington Beach Setting the Fats, Oils and Grease (FOG) Control Program Fee.”  
**Public Works Director Robert F. Beardsley introduced City Engineer Dave Webb. Motion to waive viewing of PowerPoint presentation approved by unanimous consent by all present, none absent. Adopted Resolution No. 2004-89.**  
**Adopted 7 – 0**

**D-5. (City Council) Public Hearing to Consider (1.) Approval of Zoning Text Amendment No. 04-03 Amending Huntington Beach Zoning and Subdivision Ordinance (ZSO) Chapter 250 Relating to a Tentative Parcel Map Exemption for Condominium Conversions - Approve for Introduction Ordinance No. 3690 and (2.) Approve Adoption of Resolution No. 2004- 91 Establishing the Affordable Housing In-Lieu Fee Authorized by Zoning and Subdivision Ordinance (ZSO) Chapter 235 Relating to Condominium Conversions (450.20)**

**Applicant:** City of Huntington Beach

**Request:**

1. To amend Chapter 250, Subdivisions – General Provisions, of the Huntington Beach Zoning and Subdivision Ordinance. The proposed amendment is intended to provide an exemption to the tentative parcel map process for apartments and stock cooperatives previously converted to condominiums without City approval.

**and**

2. To establish an affordable housing in-lieu fee for apartments and stock cooperatives previously converted to condominiums without City approval.

**Location:** Citywide

NOTICE IS HEREBY GIVEN that Item #1 is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution 4501, Section 6, Class 20, which supplements CEQA and exempts minor amendments to zoning ordinances. Additionally Item #2 is not subject to the provisions of CEQA pursuant to Section 15061 b) 3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ON FILE: A copy of the proposed requests is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Wednesday, November 10, 2004.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

**Recommended Action:** Motion to:

1. After the City Clerk reads by title, approve for introduction **Ordinance No. 3690** – “*An Ordinance of the City of Huntington Beach Amending Chapter 250 of the Huntington Beach Zoning and Subdivision Ordinance Relating to General Provisions – Map Requirements,*” **and** Approve Zoning Text Amendment No. 04-03 with findings for approval (ATTACHMENT NO. 1 and NO. 2);

**and**

2. Adopt **Resolution No. 2004-91** – “*A Resolution of the City Council of the City of Huntington Beach Establishing the Affordable Housing In-Lieu Fee Authorized by Zoning and Subdivision Ordinance Chapter 235 Relating to Residential Condominium Conversions.*”  
**Motion made and approved at the beginning of the meeting - to continue to 11/29/04 meeting.**  
**Approved 7 – 0**

**E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

**Recommended Action:** Approve all items on the Consent Calendar by affirmative roll call vote.

**E-1. (City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of October 18, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**Approved and adopted 6 – 0 – 1 (Winchell abstain)**

**E-2. (City Council/Redevelopment Agency) Adopt Agency Resolution No. 352 Approving Amendment of Redevelopment Agency Debt Pursuant to the Operative Agreement between the City and the Redevelopment Agency for the Redevelopment Merged Project Area and the Cooperation Agreement between the City and the Southeast Coastal Project Area for Certain Capital Improvements within or of Benefit to the Southeast Coastal Development Project** (310.30) – Adopt Agency Resolution No. 352 - “A Resolution of the Redevelopment Agency of the City of Huntington Beach Amending the Agency Debt Pursuant to the Operative Agreement between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Huntington Beach Redevelopment Project, and the Cooperation Agreement between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach Regarding Certain Capital Improvements within or of Benefit to the Southeast Coastal Redevelopment Project.” The debt at September 30, 2004 will be as follows:

Merged Project Area	\$89,283,958
Southeast Coastal Project Area	<u>6,775,000</u>
<b>Total Debt</b>	<b>\$96,058,958</b>

Submitted by the Administrative Services Director and the Economic Development/Deputy Executive Director. Funding Source: Not Applicable.

**Adopted 7 – 0**

**E-3. (City Council) Accept Resignations of Lindsay Mingee and Thorin Scott and Approve the Appointments of Marney Anderson and Corinne Welch to the Human Relations Task Force with a Term to Expire December 31, 2005** (110.20) – 1. Accept the resignation of **Lindsay Mingee** and approve the appointment of **Marney Anderson** with a term to expire December 31 2005; and 2. Accept the resignation of **Thorin Scott** and approve the appointment of **Corinne Welch** with a term to expire December 31 2005. Submitted by the Community Services Director and as recommended by Council Liaisons Mayor Cathy Green and Councilmember Gil Coerper. Funding Source: None required.

**Councilmember Coerper highlighted the item.**

**Approved 7 – 0**

**E-4. (City Council) Adopt Resolution No. 2004-88 Modifying Resolution No. 2002-129 Relating to the Permitted Uses of Park Fees Pursuant to Huntington Beach Zoning and Subdivision Ordinance (ZSO) Section 230.20** (450.20) – Adopt Resolution No. 2004-88 – “A Resolution of the City Council of the City of Huntington Beach Modifying the Permitted Uses of Fees Collected Pursuant to Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance. Submitted by the Community Services Director. Funding Source: None.

**Adopted 7 – 0**

**E-5. (City Council) Approve Implementation of a Promotional Program for Free, One-Hour Parking (with Merchant Coupons) in the Downtown Main Promenade Parking Structure during the Holidays from December 13, 2004 through January 2, 2005 (560.35)**

– Implement free, one-hour parking with merchant coupons at the Main Promenade Parking Structure from December 13, 2004 through January 2, 2005. Submitted by the Community Services Director and the Economic Development Director. Funding Source: Potential loss of up to \$8,000 in revenue to the General Fund.

**Approved 5 – 2 (Boardman, Cook - No)**

**E-6. (Redevelopment Agency) Approve Grant Agreement between the Redevelopment Agency and the Huntington Beach Wetlands Conservancy to Fund Construction on Conservancy-Owned Property for the Construction of a Block Wall and Associated Landscaping Pertaining to the Expansion of the Wetlands and Wildlife Care Center Located in the Southeast Coastal Redevelopment Project Area (along the Inland Side of Pacific Coast Highway from the S/E Corner of Newland Street) (600.30)**

– Approve the *Grant Agreement between the Redevelopment Agency of the City of Huntington Beach and the Wetlands Conservancy* for \$270,000.00 and approve that the Agency Chair and the Agency Clerk execute the agreement. Submitted by the Deputy Executive Director. Funding Source: Southeast Coastal Redevelopment Account No. 31580101.82000.

**Approved 7 – 0**

**E-7. (City Council) Amend the Community Services Department Table of Organization by Adding a Senior Services Assistant to Operate the Senior Transportation Program (700.10)**

- Amend the Community Services Department Table of Organization to add one full-time permanent Senior Services Assistant position to operate the Senior Transportation Program. Submitted by the Community Services Director. Funding Source: Senior Mobility Program grant funds, Account number 76545502; funding to be transferred from recurrent to permanent salaries.

**Approved 7 – 0**

**E-8. (City Council) Accept Extension of Additional Downtown Collection Service Donated by Rainbow Disposal for a Six-Month Period (January through June 2005) (810.40)**

1. Accept Rainbow Disposal's offer to donate the cost for one additional trash collection on Friday and Saturday in January and February, and on Friday, Saturday and Sunday in March, April, May and June of 2005; and 2. Revert to the pre-existing schedule after the six-month period expires. Submitted by the Public Works Director. Funding Source: No funding is required. This is a donation of service valued at \$13,250.00.

**Approved 7 – 0**

**E-9. (City Council) Authorize the Closure of City Hall, the Central and Four Branch Libraries on Thursday, December 23, 2004 and Thursday, December 30, 2004 (120.10)**

Authorize the City Administrator to close City Hall, the Central Library and the four branch libraries on Thursday, December 23, 2004 and Thursday, December 30, 2004. Submitted by the Administrative Services Director. Funding Source: Not Applicable.

**Approved 7 – 0**

**E-10. (City Council) Approve Sole Source Procurement from Asbury Environmental Services for Purchase of Catch Basin Screening Devices** (600.10) – Approve sole source procurement from Asbury Environmental Services of Fontana, California for purchase of between 90 and 130 “Clean Screen” catch basin screening devices, for an amount not to exceed the available grant funding. Submitted by the Public Works Director. Funding Source: Funds are budgeted in Account No. 89288003.82500, Proposition 13 2000 Clean Water Bond Act Grant. The estimated cost could be up to \$150,000.00, depending on funding remaining after completion of the Central Park and Warner/Nichols Storm Water Treatment Project, CC-1257.

**Approved 7 – 0**

**E-11. (City Council) Approve Amendment No. 1 to Professional Services Contract between the City and Berryman & Henigar, Inc.** (600.10) – **1.** Authorize an exemption to Section 3.03.120 of the Huntington Beach Municipal Code to allow extension of a professional services contract beyond the term of three years; and **2.** Approve and authorize the Mayor and City Clerk to execute *Amendment No. 1 to Agreement between the City of Huntington Beach and Berryman & Henigar, Inc.* Submitted by the Public Works Director. Funding Source: Not Applicable.

**Approved 7 – 0**

**E-12. (City Council) Approve Agreement (Utilizing Clause in Current Contract to Extend Services through June 30, 2005) between the City and the County of Orange Animal Care Services for Fiscal Year 2004-2005** (600.25) – **1.** Approve and authorize the Mayor and City Clerk to execute the contract between the City of Huntington Beach and the County of Orange for the provision of animal care services; and **2.** Authorize the Chief of Police to expend up to \$414,149 annually for animal care services. Submitted by the Chief of Police. Funding Source: The total contract amount of \$414,149.00 is within the 2004-2005 non-departmental General Fund budget, account number 10040101. No additional appropriations are necessary.

**Councilmember Coerper asked Chief Small to report on County’s activities.**

**Approved 6 – 0 – 1 (Green out of room)**

**E-13. (City Council) Approve Addition (Restoration to Full-time) of Public Works Maintenance Worker Position for Graffiti Removal** (700.10) – Approve addition of full-time Maintenance Worker position to Public Works Maintenance staff, to restore graffiti abatement to its prior level of a full-time activity; and **2.** Appropriate \$40,000.00 from the General Fund balance to fund the position through September 2005. Submitted by the Public Works Director. Funding Source: Funding in the amount of \$40,000 would be appropriated from the General Fund balance to Public Works Building and Grounds Maintenance, Personal Services 10085402.51110 for the remainder of Fiscal Year 2004/05. Costs of approximately \$50,000.00 will be required annually.

**Approved 7 – 0**

**E-14. (City Council) Approve Amendment No. 2 Extending Agreement between the City and RBF Consulting (Formerly Robert Bein, William Frost & Associates) for Consulting Services for Water Well No. 12 Pump and Facilities Installation; CC-1119**

(600.10) – **1.** Approve and authorize the Mayor and City Clerk to execute Amendment No. 2 to the Agreement between the City of Huntington Beach and RBF Consulting (Formerly Robert Bein, William Frost & Associates) for consulting services for Water Well No. 12 pump and facilities installation (CC 1119) and **2.** Authorize an exemption to Section 3.03.120 of the Huntington Beach Municipal Code to allow extension of a professional services contract beyond the term of three years. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$82,476.00 are available from the Water Master Plan Fund, Well Improvements, Water Improvements, account number 50791011.82100.

**Approved 7 – 0**

**E-15 (City Council) Approve Affordable Housing Agreement between the City and Mainstreet Townhomes, LLC for a 20-Unit Attached Townhome Project Located at the S/W Corner of Main and Holly Streets (Holly Seacliff Specific Plan Area) (600.10) –**

Approve the Agreement Containing Covenants Affecting Real Property By and Between the City of Huntington Beach and Mainstreet Townhomes LLC, titled *Declaration of Conditions, Covenants and Restrictions for Property (Resale Restrictions)*, and authorize the Mayor and City Clerk to sign and execute (Attachment No. 1). Submitted by the Planning Director. Funding Source: Not Applicable.

**Approved 7 – 0**

## F. Administrative Items

### F-1. (City Council) Approve the Location for the Fourth of July 2005 Fireworks Display at Huntington Beach High School (960.30)

Communication from the Community Services Director, the Fire Chief, the Police Chief and the Public Works Director transmitting the following **Statement of Issue**: City Council approved moving the 4<sup>th</sup> of July Fireworks to the beach for the 100<sup>th</sup> anniversary in 2004 for one year only. Council needs to decide if the fireworks should go back to its regular location at Huntington Beach High School.

**Recommended Action:** Motion to:

~~Approve 2005 4<sup>th</sup> of July Fireworks Show to be conducted at Huntington Beach High School.~~

**Amended motion to request study of potential locations prior to end of year and to meet with Fourth of July Board.**

**City Administrator Culbreth-Graft reported that the item is based on a study and consensus of the Community Services Director, the Fire Chief, the Police Chief and the Public Works Director who authored the recommended action.**

**Community Services Director Jim Engle presented Power Point report.**

**Mayor Pro Tem Hardy gave reasons for opposition to the motion on the table.**

**Councilmember Sullivan voiced safety concerns pertaining to his decision to vote in favor of the recommended action.**

**Substitute motion that the beach and pier be excluded for the year 2005 Fireworks Show.**

**Fire Chief Duane Olson and Police Chief Kenneth Small responded to Councilmember Boardman's inquiry regarding the PowerPoint item on emergency response time.**

**Substitute motion**

**Failed 3 – 4 (Coerper, Hardy, Boardman, Cook No)**

**Original motion for further study**

**Failed 2 – 5 (Sullivan, Hardy, Green, Boardman, Cook No)**

**Motion to hold Fireworks at the Pier**

**Approved 4 – 3 (Sullivan, Coerper, Green No)**

### F-2. (City Council) Adopt Resolution No. 2004-90 Establishing the Policy for the Naming and Memorials of City Parks, Park Features and Community Facilities and the Messages Placed on Benches Donated by the General Public - Repeals Conflicting Resolutions (920.10)

Communication from the Community Services Director transmitting the following **Statement of Issue**: The Community Services Commission has formulated recommended changes to Resolution No. 2001-64 relative to the park naming and memorials policy and messages placed on benches donated by the general public.

**Recommended Action:** Motion to:

**Adopt Resolution No. 2004-90 – “A Resolution of the City Council of the City of Huntington Beach Establishing Its Policy for the Naming of City Parks, Park Features and Community Facilities and Repealing Conflicting Resolutions.”**

**Community Services Director Jim Engle presented PowerPoint report.**

**Adopted 6 – 1 (Green No)**

**G. Ordinances**

**G-1a. (City Council) Adopt City Wide Entitlement Permit Streamlining Project (Phase II) by Adopting Ordinance Numbers 3669, 3673, 3675, 3677, 3679, 3680, and 3681 Amending 9 Chapters of the Huntington Beach Zoning and Subdivision Code – The Following Ordinances have been Deferred to the January 3, 2005 Council Meeting: Ordinance Nos. 3668 A/B, 3670, 3671, 3672, 3674, 3676, 3678, and 3682 Amending 7 Chapters of the Huntington Beach Zoning and Subdivision Code and Various Sections of the Downtown Specific Plan SP-5 (450.20)**

After the City Clerk reads by title, adopt by roll call vote, the following ordinances which were approved for introduction and amended at the November 1, 2004 Public Hearing:

**G-1a-1** Memo from Planning Department dated November 10, 2004 titled *Zoning Text Amendment No. 03-02 (Permit Streamlining Phase II)*.

**G-1a-2 Ordinance No. 3669** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED USE CLASSIFICATIONS;” **and**

**G-1a-3 Ordinance No. 3673** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 214 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED PS PUBLIC-SEMIPUBLIC DISTRICTS;” **and**

**G-1a-4 Ordinance No. 3675** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 222 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED FP FLOODPLAIN OVERLAY DISTRICT;” **and**

**G-1a-5 Ordinance No. 3677** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OFF-STREET PARKING AND LOADING PROVISIONS;” **and**

**G-1a-6 Ordinance No. 3679** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 236 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED NONCONFORMING USES AND STRUCTURES;” **and**

**G-1a-7 Ordinance No. 3680** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 244 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED DESIGN REVIEW;” **and**

**G-1a-8 Ordinance No. 3681** – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 250 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED GENERAL PROVISIONS.”

**Adopted all ordinances read by title.**

**7 – 0**

**G-2. Ordinance for Introduction**

**G-2a. (City Council) Approve for Introduction Ordinance No. 3691 Amending Chapter 248 of the Huntington Beach Zoning and Subdivision Ordinances Regarding Notices, Hearings, Findings, Decisions, and Appeals (450.20) - Ordinance No. 3691 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 248 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED NOTICES, HEARINGS, FINDINGS, DECISIONS AND APPEALS.”**

**Recommended Action:** After the City Clerk reads by title, approve for introduction **Ordinance No. 3691**, by roll call vote.

**Approved for introduction 5 – 2 (Green, Winchell - No)**

**H. City Council/Redevelopment Agency Items****H-1a. Submitted By Councilmember Dave Sullivan**

**(City Council) Waive Fees for American Legion Flag Project at Pier Plaza (100.10)**  
Communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue:** The American Legion of Huntington Beach has been raising funds to create a flag display at Pier Plaza. The group is ready to begin construction for the project, which will include the American flag, California State flag, with a pole for a third flag. Upon completion of the project, the display will be handed over to the city of Huntington Beach. The project is intended to complete Pier Plaza, as it was originally designed and built without the patriotic display of our national and state flags.

There are several statutory fees required for projects of this type. Specifically, this project is subject to a design review fee of approximately \$900 and building plan check, permit and inspection fees of \$300, totaling approximately \$1,200.

**Recommended Action:**

Because this project will become a city asset upon completion and is funded through personal donations collected by the American Legion, I am requesting the City Council waive all city fees for this project.

This project is a good example of a partnership with the community for a public purpose. Waiving the fees provides recognition of the American Legion's effort to improve the public right-of-way and encourages civic involvement in public projects.

**Councilmember Sullivan orally reported.**

**Approved 7 – 0**

**H-1b. Submitted By Councilmember Dave Sullivan**

**(City Council) Approve Change in Starting Time of City Council Meetings: Study Session at 4:00 P.M., Closed Session at 5:00 P.M. and Regular Meeting at 6:00 P.M. (120.10)**

Communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue:** Given the significance and length of agenda items, City Council Meetings are long and take many hours to conclude business. Several times, the meetings have been extending past midnight. It is difficult for staff and Council to function on such serious and complex issues so late into the night. As well, members of the public must stay late until their items are addressed. In most cases, staff and members of the public must return to work early the following morning.

**Recommended Action:**

I am proposing that the City Council shift the beginning of City Council Meetings to 6 p.m. rather than 7 p.m. The Charter allows the City Council to set the meeting time [Section 303(a)] by ordinance or resolution. Should the Council agree to adjust the starting time for the public portion of the agenda, the City Administrator would need direction to prepare the proper documentation for the change.

Although it would not be necessary, the City Council may wish to consider changing the starting times of Study Sessions and Closed Sessions. Currently, we schedule Study Sessions at 5 p.m. or 5:30, depending upon the number of items to be considered, and Closed Sessions at 6 p.m. This generally allows time for a brief meal prior to the start of the Council Meeting. Should the Council desire, this action could include shifting the Study Session time to 4 p.m. and Closed Session time to 5 p.m.

***Councilmember Sullivan orally reported.***

***Approved 4 – 2 – 1 (Hardy, Boardman - No, Winchell - abstain)***

**H-2a. Submitted By Councilmember Connie Boardman**

**(City Council) Direct City Attorney to Return to Council the Draft Ordinance to Prohibit the Killing of Wild Birds in the City of Huntington Beach (100.10)**

Communication from Councilmember Connie Boardman transmitting the following **Statement of Issue:** Earlier in the year, the poison Avitrol was used to kill pigeons in Central Park by one of the city's concessionaires. The Council directed the City Attorney to draft an ordinance to ban the use of this toxin. However, upon further research by our City Attorney, she discovered the city was unable to enact such an ordinance since to do so would preempt state law. We can, however, change our existing animal protection ordinances to include protection of wild birds in the city. The City Attorney has drafted such an ordinance that would prohibit the killing of wild birds in the city, but was waiting for Council direction prior to bringing it back to us.

**Recommended Action:**

Council direct the City Attorney to bring back to the Council the ordinance she has drafted to prohibit the killing of wild birds in the city.

***Councilmember Boardman reported orally.***

***Approved 7 – 0***

**Council Comments - (Not Agendized)**

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

***Mayor Pro Tem Hardy inquired regarding the December 6, 2004 Council meeting and received clarification that the time would remain at 6:00 p.m. Councilmember Boardman spoke regarding a campaign flyer announcing that the vote on April 2, 2004 was 6 – 1. Councilmember Coerper announced David Darrel Lawrence obtained his Eagle Scout rank.***

***Council/Agency Adjournment to Monday, November 29, 2004, at 4:00 p.m., in the Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California. Adjourn to 4:00 p.m. for a special meeting and adjourned meeting to 5:00 p.m.***

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

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City of Huntington Beach  
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